

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA L. ABRAMS, *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01343-MWB

(Judge Matthew W. Brann)

PAUL H. ARNOLD, *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01345-MWB

(Judge Matthew W. Brann)

ROBERT C. ABRAMS, JR., *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01346-MWB

(Judge Matthew W. Brann)

KYLIE E. AHERN a/k/a KYLIE E.
PERRY, *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01347-MWB

(Judge Matthew W. Brann)

JOINT STATUS REPORT

Pursuant to the Court's September 18, 2020 Orders in *Patricia L. Abrams v. Chesapeake Energy Corporation, et al.*, 4:16-cv-1343 ("P. Abrams"), ECF No. 109, *Paul H. Arnold, et al. v. Chesapeake Energy Corporation, et al.*, 4:16-cv-1345 ("Arnold"), ECF No. 107, *Robert C. Abrams, Jr., et al. v. Chesapeake Energy Corporation*, 4:16-cv-1346 ("R. Abrams"), ECF No. 101, *Kylie E. Ahern, et al. v. Chesapeake Energy Corporation*, 4:16-cv-1347 ("Ahern"), ECF No. 101, counsel for the parties in these actions, hereby provide this joint status report:

1. The claims in these actions are similar to and overlap with claims asserted in other putative class actions, joint actions, and/or individual actions pending in this jurisdiction. *See, e.g., Demchak Partners Limited Partnership v. Chesapeake Appalachia, L.L.C.*, No. 3:13-cv-02289-MEM ("Demchak"); *Brown v. Access Midstream Partners, L.P.*, No. 3:14-cv-00591-MEM ("Brown"); *The*

Suessenbach Family Limited Partnership v. Access Midstream Partners, L.P., No. 3:14-cv-01197-MEM (“Suessenbach”); *A&B Campbell Family LLC v. Chesapeake Energy Corp.*, No. 3:15-cv-00340-MEM (“Campbell”); *Tyler v. Chesapeake Appalachia, L.L.C.*, No. 3:16-cv-00456-MEM (“Tyler”).

2. As explained in the parties’ prior Status Reports, counsel for Plaintiffs and for the 2017, to report on their progress towards a global settlement of the *Brown, Suessenbach, Campbell, and Tyler* actions, which would include the claims asserted by the Plaintiffs in *P. Abrams, Arnold, R. Abrams, and Ahern*, subject to the approval of those Plaintiffs. Thereafter, on February 21, 2018, the Chesapeake Defendants, the Anadarko Defendants, and representatives from the Pennsylvania Attorney General’s Office participated in a settlement conference before the Honorable Kenneth D. Brown in connection with the claims being asserted by the Office of Attorney General in *Commonwealth of Pennsylvania v. Chesapeake Energy Corp., et al.*, No 2015IR0069 (Pa. [Ct. Com.](#) Pl. Bradford Cty.) (the “AG Action”). Another conference before Judge Brown occurred on May 10, 2018. Judge Mannion deferred scheduling another status conference pending the results of Judge Brown’s settlement efforts in the AG Action.

3. On August 10, 2018, and September 18, 2018, follow-up telephonic settlement conferences were held before Judge Brown.

4. As a result of some of these settlement discussions, the parties in *Brown* and *Suessenbach* reached a settlement agreement (the “Settlement Agreement”). Accordingly, on August 9, 2018, plaintiffs in those actions filed a Motion for Preliminary Approval of Class Action Settlement, the terms of which reflect the parties’ Settlement Agreement.

5. Counsel for Plaintiffs in these actions have participated in the negotiations that resulted in the Settlement Agreement in *Brown* and *Suessenbach*. Although the Plaintiffs in these actions are expressly excluded from the Settlement Class as defined in the Settlement Agreement in *Brown* and *Suessenbach*, the Settlement Agreement expressly contemplates the attribution of a portion of the \$7,750,000 settlement amount to resolve the claims of certain Plaintiffs in the above captioned actions (those with the kinds of leases covered by the Settlement Agreement) against the Chesapeake Defendants, and against other defendants in *Brown* and *Suessenbach*, including Access Midstream Partners, L.P. (now known as The Williams Companies, Inc.). Counsel for Plaintiffs and counsel for the Chesapeake Defendants are continuing discussions to resolve such claims asserted in these actions.

6. Meanwhile, on November 14, 2018, the Commonwealth Court of Pennsylvania, sitting *en banc*, held oral argument in the interlocutory appeal of the AG action on (1) whether a cause of action may be brought under Pennsylvania's Unfair Trade Practices and Consumer Protection Law ("UTPCPL") for alleged wrongful conduct by lessees in oil and gas lease transactions; and (2) whether a cause of action may be brought under the UTPCPL for alleged antitrust violations.

7. On March 15, 2019, the Commonwealth Court of Pennsylvania issued its opinion in the AG Action, finding that a cause of action may be brought under the UTPCPL for alleged wrongful conduct by lessees in oil and gas lease transactions, but that alleged antitrust violations are not automatically actionable under the UTPCPL.

8. Subsequently, the defendants in the AG Action filed a petition for allocatur in the Pennsylvania Supreme Court, requesting review of the March 15, 2019 opinion issued by the Commonwealth Court of Pennsylvania. On October 30, 2019, the Pennsylvania Supreme Court granted that petition.

9. The issues to be addressed by the Pennsylvania Supreme Court are as follows:

Are claims by the Commonwealth, brought on behalf of private landowners against natural gas extractors alleging that the extractors used deceptive, misleading, and unfair tactics in securing natural gas leases from landowners, cognizable under the Unfair Trade Practices and Consumer Protection Law?

May the Commonwealth pursue antitrust remedies under the Unfair Trade Practices and Consumer Protection Law?

10. The Pennsylvania Supreme Court heard oral argument on May 27, 2020.

11. On July 7, 2020, Chesapeake Energy Corporation and its subsidiaries filed a Notice of Suggestion of Pendency of Bankruptcy for Chesapeake Energy Corporation, et al., and Automatic Stay of These Proceedings. The bankruptcy proceedings remain pending in the United States Bankruptcy Court for the Southern District of Texas under the caption *In re Chesapeake Energy Corporation*, No. 20-33233 (Bankr. S.D. Tex.). It is unclear whether the stay extends to the entire proceedings in the above cases or just to Chesapeake Energy Corporation's participation in the proceedings. Out of an abundance of caution, the parties other than Chesapeake Energy Corporation file this joint status report.

12. For all of the foregoing reasons, the parties respectfully request continuation of the stay entered in these matters.

Dated: January 4, 2021

Respectfully Submitted,

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